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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER	
SALTARELLI, DOMINIC D	

ART UNIT	PAPER NUMBER
2611	5

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/881,516	RODRIGUEZ ET AL.	
	Examiner	Art Unit	
	Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33, 35-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33, 35-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to amended claims 1-33 and 35-44 have been considered but are moot in view of the new grounds of rejection.

Claim Objections

2. Claim 26 is objected to because of the following informalities: Line 6 reads "the remote" and should read --a remote--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-6, 9-15, 17-20, 22, 24-26, 28, 29, 31-33, 35, 36, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell in view of Magid et al. (5,764,873, listed on form 892 of first office action) [Magid].

Regarding claim 6, Farwell discloses a method for providing interactive media services (col. 17, lines 57-66) in a client device (fig. 1, PC 118, col. 20 line 65 – col. 21 line 3) coupled to a subscriber network television system (satellite television, col. 7, lines 44-60, and pay per view, col. 18, lines 16-19), the method comprising the steps of:

Responsive to a first user input (fig. 9c, selection trigger 913, drag and drop function col. 13, lines 39-44), selecting an item (program cells, fig. 13, schedule 1310, col. 17, lines 60-65, and selecting program cells, col. 18, lines 5-26) in a displayed television signal (col. 10, lines 13-22, fully integrated into a set top box, col. 20 line 65 – col. 21 line 3) on a screen (fig. 1, monitor 122), wherein the item represents media content having program information (col. 18, lines 6-9); and

Responsive to a second user input (fig. 9c, joystick 911, col. 13, lines 33-37), dragging the item away from a first visual location in the displayed television signal (drag function, col. 18, lines 13-15).

Farwell fails to disclose the step of dragging further includes the steps of storing the screen coordinates of the first visual location of the item and storing screen coordinates of a second visual location of the item as the item is dragged across the screen in a memory in the client device.

In an analogous art, Magid teaches a drag function wherein the screen coordinates for all objects in a graphical user interface are stored (col. 5, lines 41-48) in a memory (fig. 3, memory 42), allowing the system to identify the location of objects, both stationary (objects, folders, windows, col. 5, lines 41-51) and being dragged (col. 5, lines 31-36).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Farwell to include storing the screen coordinates of the first visual location of the item and storing screen coordinates

of a second visual location of the item as the item is dragged across the screen in a memory in the client device, as taught by Magid. The reason for doing so is to provide the system with the means to accurately identify the first visual location of the item and the second visual location of the item as the item is dragged across the screen.

Regarding claim 2, Farwell and Magid disclose the method of claim 6, and further disclose the second user input is received while the first user input is received (Farwell, col. 13, lines 33-44). The second user input is received from the joystick (Farwell, fig. 9c, joystick 911), located on the upper side of the remote, while the first user input is received from the trigger (Farwell, fig. 9c, button 913) located on the under side of the remote to be actuated by the index finger, *for one handed dragging and dropping of icons* (Farwell, col. 13, lines 39-41).

Regarding claim 3, Farwell and Magid disclose the method of claim 6, and further disclose the step of receiving a third (cessation of the drag input is the third input, Magid, col. 5, lines 58-67), and fourth user input (Magid, col. 5, lines 61-63) corresponding to the cessation of the first user input and the second user input, respectively, to release the item at a displayed graphical container (Farwell, fig. 13, icons, 1320, 1322, 1324, 1326, and 1328, col. 18, lines 10-29).

Regarding claim 4, Farwell and Magid disclose the method of claim 6, and further disclose the step of displaying the movement of the item as the item is dragged (program cells are displayed while dragged, advantageously including an outline as well, and are further described as being dragged "on top of" the graphical containers, Farwell, col. 18, lines 10-26).

Regarding claim 5, Farwell and Magid disclose the method of claim 6, and further disclose the step of dragging further includes the step of creating a visual effect of picking-up the selected item (outlined in green, Farwell, col. 18, lines 17-19).

Regarding claim 9, Farwell and Magid disclose the method of claim 6, and further disclose retrieving the program information corresponding to the media content associated with the item (Farwell, col. 18, lines 6-9) from the memory (Farwell, fig. 3, RAM 314) of the client device (program information is stored locally, Farwell, col. 12, lines 46-53).

Regarding claim 10, Farwell and Magid disclose the method of claim 9, and further disclose storing a second instance of the retrieved program information in the memory of the client device (it is clear that the program cells disclosed by Farwell are not removed from the disclosed program guide simply to

perform the disclosed operations, therefore a second instance of the program cell is created).

Regarding claim 11, Farwell and Magid disclose the method of claim 9, and further disclose identifying a location in the memory of the client device of the program information corresponding to the media content associated with the item (an inherent feature of the retrieval step disclosed by Farwell, since the location in memory of the information being retrieved is, by absolute necessity, identified before retrieval can take place).

Regarding claim 12, Farwell discloses the method of claim 6, but fails to disclose representing the selected item with a corresponding displayed media graphical icon and storing visual location screen coordinates of the media graphical icon in the memory in the client device.

In an analogous art, Magid teaches representing data objects with graphical icons (col. 4, lines 39-42), for the benefit of allowing a user to readily identify the data selected for manipulation (col. 4, lines 39-48). Magid further teaches storing the screen coordinates for all objects in a graphical user interface (col. 5, lines 41-48) in a memory (fig. 3, memory 42), allowing the system to identify the location of objects

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Farwell to include representing the

selected item with a corresponding displayed media graphical icon and storing visual location screen coordinates of the media graphical icon in the memory in the client device, as taught by Magid, for the benefit of allowing a user to readily identify the item selected for manipulation for a drag and drop function wherein the system can accurately identify the location of all objects on the screen.

Regarding claim 13, Farwell and Magid disclose the method of claim 12, and further disclose the step of emulating the movement of the media graphical icon corresponding to the translated item by updating the visual location of the media graphical icon on the screen repeatedly. Farwell specifies the program cell is visible during the drag and drop operation (col. 18, lines 17-19), and the only way to emulate movement of an object on a screen is to update or refresh or redraw its visual location repeatedly.

Regarding claim 14, Farwell and Magid disclose the method of claim 12, and further disclose changing the features of the media graphical icon depending on the item type (Magid, col. 4, lines 33-42), but fail to disclose changing the features of the media graphical icon depending on the item location.

Magid further teaches changing the features of a media graphical icon depending on the item location (col. 5, lines 51-61), for the benefit of alerting a user as to whether the location over which an item is being dragged is a valid place for it to be dropped.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the method disclosed by Farwell and Magid to include changing the features of the media graphical icon depending on the item location, as taught by Magid, for the benefit of alerting a user as to whether the location over which an item is being dragged is a valid place for it to be dropped in an interactive display system.

Regarding claim 15, Farwell and Magid disclose the method of claim 6, and further disclose dropping off the dragged item in a graphical container (Farwell, fig. 13, containers 1320, 1322, 1324, 1326, or 1328, col. 18, lines 10-26) displayed in at least one television screen (set top connected to a TV, Farwell, col. 20 line 65 – col. 21 line 3).

Regarding claim 17, Farwell and Magid disclose the method of claim 15, and further disclose activating an operation responsive to dropping off the dragged item into a graphical container (Farwell, col. 18, lines 10-26).

Regarding claims 18, Farwell and Magid disclose the method of claim 17, and further discloses the activating steps includes activating a reminder timer (Farwell, fig. 13, reminder icon 1322) and activating a media recording (Farwell, fig. 13, record icon 1320).

Regarding claim 19, Farwell and Magid disclose the method of claim 6, and further discloses displaying the item (Farwell, fig. 13, view icon 1326, col. 18, lines 21-22).

Regarding claim 20, Farwell and Magid disclose the method of claim 19, and further disclose the displaying step is configured by a local client device (Farwell, fig. 1, PC 118 and fig. 11a, steps 1118 and 1120, col. 15, lines 26-36).

Regarding claim 22, Farwell and Magid disclose the method of claim 6, and further disclose the step of providing feedback to the user in response to the selecting step (selected cell is outlined, Farwell, col. 18, lines 17-19).

Regarding claim 26, Farwell discloses a system for providing interactive media services (col. 17, lines 57-66) in a client device (fig. 1, PC 118, col. 20 line 65 – col. 21 line 3) coupled to a subscriber network television system (satellite television, col. 7, lines 44-60, and pay per view, col. 18, lines 16-19), the system comprising:

A memory for storing logic (fig. 3, disk drive 332)

A processor (fig. 3, processor 310) for executing the logic stored in memory, such that the logic is configured to generate a user interface (fig. 13, col. 17, lines 60-65) on a television screen (connected to set top, col. 20, line 65 – col. 21 line 3), wherein the television screen is responsive to user input (col. 13,

lines 33-44 and col. 18, lines 10-26), such that the logic is configured to cooperate with a remote control device (fig. 1, remote control 124, col. 8, lines 2-6 and col. 13, lines 33-44) to cause a menu item (program cells within schedule 1310 in fig. 13) to be selected, picked up, and translated across the television screen (drag and drop function, col. 18, lines 10-26),

Farwell fails to disclose storing the screen coordinates of the first visual location of the picked up menu item and a corresponding media graphical icon and television screen coordinates of a second visual location as the menu item and media graphical icon are moved across the television screen.

In an analogous art, Magid teaches corresponding data objects with graphical icons (col. 4, lines 39-42), for the benefit of allowing a user to readily identify a data object (col. 4, lines 39-48). Magid further teaches a drag function wherein the screen coordinates for all objects in a graphical user interface are stored (col. 5, lines 41-48) in a memory (fig. 3, memory 42), allowing the system to identify the location of objects, both stationary (objects, folders, windows, col. 5, lines 41-51) and objects being dragged (col. 5, lines 31-36).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Farwell to include storing the screen coordinates of the first visual location of the picked up menu item and a corresponding media graphical icon and television screen coordinates of a second visual location as the menu item and media graphical icon are moved across the television screen, as taught by Magid, for the benefit of allowing a

user to readily identify the item to select for manipulation for a drag and drop function and to provide the system with the means to accurately identify the first visual location of the menu item and icon and the second visual location of the menu item and icon as they are moved across the television screen.

Regarding claim 24, Farwell and Magid disclose system of claim 26, and further discloses the second user input is received while the first user input is received (Farwell, col. 13, lines 33-44). The second user input is received from the joystick (Farwell, fig. 9c, joystick 911), located on the upper side of the remote, while the first user input is received from the trigger (Farwell, fig. 9c, button 913) located on the under side of the remote to be actuated by the index finger, *for one handed dragging and dropping of icons* (Farwell, col. 13, lines 39-41).

Regarding claim 25, Farwell and Magid disclose the system of claim 26, and additionally disclose the logic is configured to change the features of the media graphical icon depending on the menu item type (Magid, col. 4, lines 33-42), but fails to disclose the logic is configured to change the features of the media graphical icon depending on the menu item location on the television screen.

Magid further teaches changing the features of media graphical icons depending on the item location (col. 5, lines 51-61), for the benefit of alerting a

user as to whether the location over which an item is being dragged is a valid place for it to be dropped.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Farwell and Magid to include changing the features of the media graphical icon depending on the item location, as taught by Magid, for the benefit of alerting a user as to whether the location over which an item is being dragged is a valid place for it to be dropped in an interactive display system.

Regarding claim 28, Farwell and Magid disclose the system of claim 26, and further disclose the memory further comprises a media content title and it's corresponding programming information (Farwell, col. 18, lines 6-9).

Regarding claim 29, Farwell and Magid disclose the system of claim 26, and further disclose dropping off the dragged item in a graphical container (Farwell, fig. 13, containers 1320, 1322, 1324, 1326, or 1328, col. 18, lines 10-26) displayed in at least one television screen (Farwell, set top connected to a TV, col. 20 line 65 – col. 21 line 3), wherein the graphical container represents a destination for the menu item (Farwell, col. 18, lines 10-26).

Regarding claim 31, Farwell and Magid disclose the system of claim 29, but fail to disclose the logic is configured to alter features of the graphical

containers to provide feedback when the translated menu item on the screen is spatially close to the graphical container.

Magid further discloses that altering the graphical features of an icon to provide feedback to a user when one icon is being translated and is spatially close to another which can receive it (a graphical container), indicating a valid drop location for a drag and drop function (Magid, col. 5, lines 42-61). The feedback provided is to alert the user to the relationship between the object being moved and the graphical container.

It would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Farwell and Magid to include altering the graphical features of displayed objects when one icon is being translated and is spatially close to another which can receive it, as taught by Magid, for the benefit of indicating a valid location for a drag and drop location by providing feedback to the user of the interactive media service.

Farwell and Magid fail to disclose altering the features of the graphical container.

It would have been obvious to a person of ordinary skill in the art, to modify the system disclosed by Farwell and Magid to include altering the features of the graphical containers to provide feedback when the translated menu item on the screen is spatially close to the graphical container. There is no significant difference between altering the features of the item being dragged and the

graphical container to which the item is spatially close to, as the effect of providing feedback to the user is achieved equally in either instance.

Regarding claim 32, Farwell and Magid disclose the system of claim 29, and further disclose the graphical containers include graphical activation containers (Farwell, fig. 13, activation containers 132, 1324, 1326) for enabling operations on the menu items (Farwell, col. 18, lines 10-26).

Regarding claim 33, Farwell and Magid disclose the system of claim 32, and further disclose the graphical activation containers include a reminder timer container (Farwell, fig. 13, reminder icon 1322) and a media recording container (Farwell, fig. 13, record icon 1320).

Regarding claim 35, Farwell and Magid disclose the system of claim 26, and further discloses the logic is configured to alter features of the menu item at the first visual location to provide feedback to a user when the menu item on the television screen is selected (Farwell, selected cell is outlined, col. 18, lines 17-19).

Regarding claim 36, Farwell and Magid disclose the system of claim 26, and disclose the menu item at the first visual location includes a graphical icon, (Magid, col. 4, lines 39-42).

Regarding claim 44, Farwell and Magid disclose the system of claim 26, and further disclose the displaying step is configured by a local client device (Farwell, fig. 1, PC 118 and fig. 11a, steps 1118 and 1120, col. 15, lines 26-36).

5. Claims 1 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell and Magid as applied to claims 6 and 26 above, in further view of Etheredge (5,990,890).

Regarding claims 1 and 23, Farwell and Magid disclose the method and system of claims 6 and 26, but fail to disclose receiving the second user input within an interval of time determined by a programmed timer.

In an analogous art, Etheredge teaches an electronic program guide (fig. 4) operative with a remote control (fig. 2, remote control 148) wherein an operation is performed (selection of a pop up, col. 14, lines 51-53) by receiving a second user input [the selection step] within an interval of time determined by a programmed timer (col. 14, lines 47-60). The use of a programmed timer allows two buttons to be utilized to perform an additional operation by pressing the second shortly after the first within the time frame set by the time, as pressing two buttons at once on hand held devices is cumbersome, thus increasing the functionality of the remote control, while keeping the remote itself simple by not adding an additional button for the additional operation.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Farwell and Magid to include receiving the second user input within an interval of time determined by a programmed timer, as taught by Etheredge. The reason for doing so is to allow two buttons to be utilized to perform an additional operation by pressing the second shortly after the first within the time frame set by the time, as pressing two buttons at once on hand held devices is cumbersome, thus increasing the functionality of the remote control, while keeping the remote itself simple by not adding an additional button for the additional operation within the interactive media method.

6. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell and Magid as applied to claims 6 and 26 above, in further view of Stallkamp (4,827,250).

Regarding claims 7 and 27, Farwell and Magid disclose the method and system of claims 6 and 26, but fail to disclose storing the screen coordinates in reference to an absolute screen origin.

In an analogous art, Stallkamp teaches storing (in a local memory circuit, col. 4, lines 30-37) screen coordinates in reference to an absolute screen origin (x y coordinates for all model data is stored in reference to the lower left corner of display screen, col. 4, lines 38-43), allowing objects to be properly rendered on a screen with respect to an absolute screen origin.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Farwell and Magid to include storing the screen coordinates in reference to an absolute screen origin, as taught by Stallkamp, for the benefit of ensuring all items are properly rendered with respect to the absolute screen origin of the client device.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell and Magid as applied to claim 6 above, and further in view of Johnson et al. (5,808,611, of record) [Johnson].

Regarding claim 8, Farwell and Magid disclose the method of claim 6, but fail to disclose storing the screen coordinates in reference to an origin corresponding to the coordinates of the first visual location of the item in the screen.

In an analogous art, Johnson teaches storing coordinates of a new object (col. 6, lines 1-6) in reference to an origin corresponding to the coordinates of the first visual location of the original object on which it depends on a screen (col. 6, lines 7-17), allowing the system to properly render the new object with respect to the position of the original object on which it depends.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Farwell and Magid to include storing the screen coordinates in reference to an origin corresponding to the coordinates of the first visual location of the item in the screen, as taught by Johnson, for the

benefit of properly rendering items on the screen of the client device with respect to the position of the original item on which it depends.

8. Claims 21and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell and Magid as applied to claims 19 and 26 above, in further view of Anuff et al. (6,327,628, of record) [Anuff].

Regarding claim 21 and 43, Farwell and Magid disclose the method and system of claims 19 and 26, but fail to disclose the displaying step is configured by a remote server.

Anuff discloses "views" which are isolated segments of presentation logic, stored on a server (col. 6, lines 48-50). These "views" are a network resource stored on a server and remotely accessible by users through a portal (Abstract, lines 1-4). Such a configuration minimizes the required computational and memory resources of a client device.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Farwell and Magid to configure the displaying step by a remote server as taught by Anuff. The reason for doing to would be to minimize the hardware requirements of the local client device, thus making the client device less complex.

9. Claims 16, 30 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farwell and Magid as applied to claims 15, 26 and 29 above, and further in view of Bertram.

Regarding claims 16 and 30, Farwell and Magid disclose the method and system of claims 15 and 29, but fail to disclose the step of browsing a list of items located in the graphical container.

In an analogous art, Bertram teaches a browsable list (col. 40, lines 23-26) that is constructed from the selection of selectable objects (col. 40, lines 16-23) constructed (col. 39, lines 19-21) using drag and drop functionality (col. 39, lines 26-34), for the benefit of providing a controlled range of preselected items to be selectively browseable (col. 40, lines 23-26).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Farwell and Magid to include browsing a list of items located in the graphical container, as taught by Bertram, for the benefit of providing a controlled range of preselected items to be selectively browseable, such as a list of favorite programs or a method of parental control.

Regarding claim 37, Farwell and Magid disclose the system of claim 26, and additionally disclose at least one activation button (Farwell, fig. 9c, trigger 913, col. 13, lines 39-44) but fail to disclose at least one arrow key.

In an analogous art, Bertram discloses a remote control device (fig. 1, remote 20) which includes at least one arrow key (stepping key, col. 35, lines 15-26) used for the manipulation of a selection display element. The stepping keys are used by simpler conventional remote controls.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Farwell and Magid to include at least one arrow key, as taught by Bertram. The reason for doing so would be to utilize the simpler, more economical design of conventional remote controls.

Regarding claim 38, Farwell, Magid and Bertram disclose the system of claim 37, and further disclose the logic is further configured to receive a signal from the remote control device corresponding to the pressing of the activation button to select a menu item (Farwell, col. 13, lines 39-44), wherein the logic is further configured to receive a signal corresponding to the pressing of the at least one arrow key while the activation button is pressed (Farwell, fig. 9c, movement key 911 and trigger 913 are on opposite sides explicitly for one handed dragging and dropping of icons, clearly to be operated at the same time, col. 13, lines 39-44) to cause pick up and translation of the menu item [drag and drop], wherein logic is further configured to receive signals from the remote control device corresponding to a subsequent deactivation of the activation button and the at least one arrow key to cause the menu item (inherent features of the drop step)

to be dropped in a graphical container (Farwell, fig. 13, graphical containers 1320, 1322, 1324, 1326, and 1328, col. 18, lines 10-26).

Regarding claim 39, Farwell, Magid and Bertram disclose the system of claim 37, and additionally disclose the logic is further configured to receive a signal from the remote control device (Farwell, col. 16, lines 11-17) after commencement of the movement mode (Farwell, drag function, col. 18, lines 10-26), wherein the signal corresponds to a subsequent pressing of the at least one arrow key (indicating direction of drag function), wherein the logic, responsive to the signal corresponding to the pressing of the at least one arrow key, causes the movement of the menu item (movement which is displayed, col. 18, lines 17-19), wherein the item is dropped in a graphical container (Farwell, fig. 13, graphical containers 1320, 1322, 1324, 1326, and 1328, col. 18, lines 10-26); but fail to disclose the logic is further configured to

Receive signals from the remote control device corresponding to quickly repeated pressing of the activation button and releasing the activation button to cause the commencement of a movement mode and wherein the logic is further configured to receive a signal from the remote control device corresponding to the subsequent pressing of the activation button to cause the menu item to be dropped in a graphical container.

Magid further discloses the commencement of movement mode through the repeated pressing and releasing of an activation button through a "set of

keystrokes" received from a mouse controller (col. 8, lines 24-26), commonly known as the "double-click", and a drop command to complete movement mode (col. 9, lines 5-6), mimicking the commonly known "double-click" feature associated with PCs.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Farwell, Magid, and Bertram to configure the logic such that when the activation button is repeatedly pressed and released quickly, movement mode is initiated, as taught by Magid, to mimic the commonly known "double-click" feature associated with PCs. Additionally, it would have been obvious to a person of ordinary skill in the art to configure the logic to associate a subsequent press of the activation button to cause movement completion, for the sake of simplicity from the user end.

Regarding claim 40, Farwell, Magid and Bertram disclose the system of claim 37, and additionally disclose the logic is further configured to receive a signal from the remote control device (Farwell, col. 16, lines 11-17) corresponding to a subsequent pressing of the at least one arrow key (indicating direction of drag function) to cause the movement of the menu item (movement which is displayed, col. 18, lines 17-19), wherein the item is dropped in a graphical container (Farwell, fig. 13, graphical containers 1320, 1322, 1324, 1326, and 1328, col. 18, lines 10-26); but fail to disclose the logic is further configured to

Receive a signal from the remote control device corresponding to an extended duration single pressing of the activation button and subsequent release of the activation button to cause the commencement of a movement mode, wherein the logic is further configured to receive a signal from the remote control device corresponding to the subsequent pressing of the activation button to cause the menu item to be dropped in a graphical container.

Magid further teach detecting the initiation of a "pick up" command from a device to initiate movement mode (col. 8, lines 24-26) and a drop command to complete movement mode (col. 9, lines 5-6).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Farwell, Magid, and Bertram to configure the logic such that when the activation button is pressed for an extended duration, movement mode is initiated, a simple variation of the material taught by Magid. Additionally, it would have been obvious to a person of ordinary skill in the art to configure the logic to associate a subsequent press of the activation button to cause movement completion, for the sake of simplicity form the user end.

Regarding claim 41, Farwell, Magid and Bertram disclose the system of claim 37, and additionally disclose the logic is further configured to receive a signal from the remote control device (Farwell, col. 16, lines 11-17) corresponding to a subsequent pressing of the at least one arrow key (indicating

direction of drag function) to cause the movement of the menu item (movement which is displayed, col. 18, lines 17-19), wherein the item is dropped in a graphical container (Farwell, fig. 13, graphical containers 1320, 1322, 1324, 1326, and 1328, col. 18, lines 10-26); but fail to disclose

The remote control device further includes a movement mode button, and the logic if further configured to receive a signal from the remote control device corresponding to the pressing of the movement mode button to commence the movement mode, wherein the logic is further configured to receive a signal from the remote control device corresponding to the pressing of the activation button to cause the menu item to be dropped.

Magid further teaches detecting the initiation of a "pick up" command from a device to initiate movement mode (col. 8, lines 24-26) and a drop command to complete movement mode (col. 9, lines 5-6).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Farwell, Magid, and Bertram to configure the logic to commence movement mode through the pressing of a movement mode button, and further configure the logic to cause item movement completion when the activation button is pressed as taught by Magid, where the pick up command and the drop command are associated with different keys on the remote control device to simplify the operation from a user standpoint.

Regarding claim 42, Farwell, Magid, and Bertram disclose the system of claim 37, and additionally disclose the item is dropped in a graphical container (Farwell, fig. 13, graphical containers 1320, 1322, 1324, 1326, and 1328, col. 18, lines 10-26), but fail to disclose the remote control device further includes a second activation button configured by the logic to commence the menu item movement, and a third activation button configured by the logic to cause the menu item to be dropped.

Magid further teaches detecting the initiation of a "pick up" command from a device to initiate movement mode (col. 8, lines 24-26) and a drop command to complete movement mode (col. 9, lines 5-6).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Farwell, Magid, and Bertram to configure the logic to commence movement mode through the pressing of a second activation button, and further configure the logic to cause item movement completion when a third activation button is pressed as taught by Magid, where the pick up command and the drop command are associated with different keys on the remote control device to simplify the operation from a user standpoint.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blonstein et al. (5,978,043), which describes performing drag and drop operations on menu items displayed in a television signal.

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS

CHRIS GRANT
PRIMARY EXAMINER